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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,180

06/27/2003

Lawrence Nathaniel Taugher

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EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/608,180

Applicant(s)

TAUGHER ET AL.

Examiner

Wes Tucker

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11-16-06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,8,20,21,24,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8,20,21,24,25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed November 16<sup>th</sup> 2006 has been entered and made of record.
2. Applicant has amended claims 1, 3, 4, 6, 8, 20, 21, and 24. Claims 2, 5, 7, 9-19, 22-23 and 26 have been cancelled. Claims 1, 3, 4, 6, 8, 20, 21, 24, 25 and 27 remain pending.
3. Applicant's remarks in view of the newly presented amendments have been fully considered but are not found persuasive. Because of the extensive change in scope of the claims a new rejection has been necessitated by the amendment. The rejection is accordingly made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 6, 20, 21, 24, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,389,181 to Shaffer et al.

With regard to claim 1 Shaffer discloses a method for organizing images, comprising:

receiving images from a user (column 3, lines 47-55);

analyzing content contained within the images (column 4, lines 5-26 and column 5, lines 27-36 and 45-62 and column 6, lines 9-17 and column 8, lines 25-36);

detecting features contained within the images (column 5, lines 27-36 and 45-62 and column 6, lines 9-17 and column 8, lines 25-36);

comparing the detected features to features that were previously identified in previously stored images in an attempt to match the detected features with features of the previously stored images (column 7, lines 25-32);

querying the user to identify one or more of the detected features (column 7, lines 43-51 and column 5, lines 1-6);

receiving identification information provided by the user in association with one or more of the received images (column 8, lines 14-43 and column 5, lines 1-6);

storing the received images and any user-provided identification information such that the identification information is associated with one or more of the received images (column 5, lines 6-44);

grouping stored images containing like features together (column 7, lines 25-53);

presenting groups of images to the user as separate photo albums each comprising separate but related images that can be viewed in sequence (column 9, lines 29-67 and column 1, lines 54-67 and column 2, lines 15-30);

storing at least one of the photo albums (column 9, lines 29-67 and column 10, lines 1-22).

It is apparent from the citations given for the different elements of the claim that Shaffer adequately discloses the claim as recited. Shaffer uses user input and customer profile to analyze, compare, identify, sort, categorize, cull and group images to create a photo collage or photo album having either single images or a multitude of image per page.

With regard to claim 3, Shaffer discloses the method of claim 1, wherein detecting features comprises detecting faces contained in the images (column 6, lines 10-16).

With regard to claim 4, Shaffer discloses the method of claim 1, wherein detecting features comprises detecting scenes contained in the images (column 8, lines 30-40).

With regard to claim 6, Shaffer discloses the method of claim 1, further comprising detecting dates and times of day on which images were captured and using that information in grouping the images (column 5, lines 13-16 and 55-61).

With regard to claim 20, the discussion of claim 1 applies. Shaffer discloses a system with means for performing the method discussed with regard to claim 1 (Figs. 1

and 2). It should be noted that the means for in the present application is interpreted reasonably broadly as any computing device or computer for organizing images as discussed on page 5 of the present specification. Shaffer discloses such means (Fig. 2, element 28) for performing the steps of the method of claim 1.

With regard to claim 21, the discussions of claims 3 and 4 apply.

With regard to claim 24, the discussions of claim 1 and 20 also apply. Shaffer discloses the method and system to be embodied in a computer program (Fig 1, element 13, Fig. 2, elements 28, 20, 37, 38 and 40, and Fig. 4, element 98).

With regard to claim 25, the discussions of claim 3, 4, 6 and 21 apply.

With regard to claim 27, Shaffer discloses the system of claim 24, further comprising an image search module that includes logic configured to search databases of image attributes to locate particular images desired by a user (column 5, lines 45-62 and column 2, lines 44-54 and column 4, lines 6-25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,389,181 to Shaffer et al. and 5,784,461 to Shaffer et al., hereinafter referred to as [Shaffer96].

With regard to claim 8, Shaffer discloses the method of claim 1, but does not explicitly disclose wherein storing the received images comprises storing the images within a protected originals folder separate from the at least one stored photo album.

Storing protected data to preserve original content and to allow access by authorized users is exceedingly well known in the art. [Shaffer96] discloses a protected storage for selective access to images (column 2, lines 24-44 and Fig. 1, element 22). [Shaffer96] teaches allowing secure access to original image data thereby providing image service only authorized users. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to store the original images of Shaffer in a protected storage as taught by [Shaffer96] in order to allow access to only authorized users and to preserve original image content.

### ***Conclusion***

6. Applicant's amendment necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL. See

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MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

2-7-07



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